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PATENTS

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JM, Jd'91

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. B8/B8 CIP DIV 4

Anticipated Classification  
of this application:  
Class \_\_\_\_\_ Subclass \_\_\_\_\_

Prior application:  
Examiner \_\_\_\_\_  
Art Unit \_\_\_\_\_

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number EG353676119US.

Date of Deposit May 25, 1995.

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Hon. Assistant Commissioner for Patents, Washington, D.C. 20231.

GLENN SHUMAN

Hon. Assistant Commissioner  
For Patents  
Washington, D.C. 20231

TRANSMITTAL LETTER FOR  
RULE 60 CONTINUATION APPLICATION

Sir:

This is a request for filing a [ ] continuation, [X] divisional, application under 37 C.F.R. § 1.60, of pending prior application Serial No. 387,503 filed on July 28, 1989 of Walter C. Fiers for DNA SEQUENCES, RECOMBINANT DNA MOLECULES AND PROCESSES FOR PRODUCING HUMAN FIBROBLAST INTERFERON-LIKE POLYPEPTIDES

1. [x] Enclosed is a copy of the prior application, including the oath or declaration as originally filed and the undersigned registered attorney hereby states that these application papers comprise a true copy of the prior application as filed.
2. [X] Cancel in this application original claims 1-28 and 30 of the prior application before calculating the filing fee.

3. [X] A verified statement to establish small entity status under 37 C.F.R. §§ 1.9 and 1.27 [ ] is enclosed, [X] was filed in the prior application (copy enclosed) and such status is still proper and desired (37 C.F.R. § 1.28(a)).

4. [X] The filing fee is calculated below, including claims added and deleted in the preliminary amendment:

CLAIMS AS FILED IN THE PRIOR APPLICATION,  
LESS ANY CLAIMS CANCELLED IN PARAGRAPH 2

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
BASIC FEE				= \$365.00
TOTAL CLAIMS	4			= \$0.00
INDEPENDENT CLAIMS	2	0	X \$38 =	\$0.00
[ ] MULTIPLE DEPENDENT CLAIMS			+ \$120 =	\$0.00
			TOTAL	<u>\$365.00</u>

5. [ ] Please charge \$\_\_\_\_\_ to Deposit Account No. 06-1075 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

6. [X] A check in the amount of \$365.00 in payment of the filing fee is enclosed.

7. [X] The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this transmittal letter is transmitted herewith.

8. [X] Amend the specification by inserting before the first line the sentence: --]This is a [ ] continuation, [X] division, of application Serial No. 387,503, filed July 28, 1989, which is a continuation of SN 06/250,609, filed April 3, 1981, entitled DNA SEQUENCES, RECOMBINANT DNA MOLECULES AND PROCESSES FOR PRODUCING HUMAN FIBROBLAST INTERFERON-LIKE POLYPEPTIDES.

9. [ ] Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

10. [X] New formal drawings are enclosed.

11. [ ] Informal drawings are enclosed in order to expedite prosecution of this application. Formal drawings will be filed during the pendency of this application.

12. [X] Priority of application Serial Nos. 80.11306 and 80.18701 filed April 3, 1980 and June 6, 1980, respectively, in Great Britain is claimed under 35 U.S.C. § 119.

(1) [X] The certified copies have been filed in prior application Serial No. 06/250,609, filed April 3, 1981.

(2) [ ] The certified copy is enclosed.

13. [X] The prior Application Serial No. 387,503, filed July 28, 1989, is assigned of record to Biogen, Inc.

14. [X] The power of attorney in prior Application Serial No. 06/250,609 is to:

James F. Haley, Jr., Reg. No. 27,794  
\_\_\_\_\_, Reg. No. \_\_\_\_\_  
\_\_\_\_\_, Reg. No. \_\_\_\_\_

a. [X] The power appears in the original paper in the prior application.

b. [ ] Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

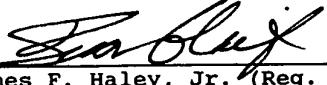
c. [ ] Since the undersigned's power does not appear in original papers, a copy of the undersigned's power in the prior application is enclosed.

d. [X] The undersigned is acting in a representative capacity for the attorney of record pursuant to 37 C.F.R. § 1.34.

15. [X] Address all future communications to:

James F. Haley, Jr.  
Attorney(s) of Record  
Registration No. 27,794  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000

16. [X] A preliminary amendment is enclosed.

  
\_\_\_\_\_  
James F. Haley, Jr. (Reg. No. 27,794)  
Ivor R. Elrifi (Reg. No. P-39,529)  
c/o FISH & NEAVE  
1251 Avenue of the Americas  
New York, New York 10020-1104  
Tel.: (212) 596-9000